

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 2:09-CR-12

v.

HON. ROBERT HOLMES BELL

JUSTIN THOMAS SKIPPER,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Defendant's motion *in limine* to preclude the admission of 404(b) evidence. (Dkt. No. 41.)

The government notified Defendant of its intent to introduce evidence of "Defendant's prior domestic assault(s) against his girlfriend" pursuant to Rule 404(b) of the Federal Rules of Evidence. Defendant objects to the introduction of such evidence on the basis that he was not informed of the nature of the evidence or the specific purpose for which it would be offered.

The government has identified the nature of the Rule 404(b) evidence in its response to Defendant's motion. (Dkt. No. 53.) However, the government has also advised that it does not intend to introduce the evidence in its case in chief. (*Id.*) Although the government may seek to use the evidence in rebuttal to address issues raised by Defendant, the Court cannot determine at this time whether the evidence would be offered for a permissible purpose. Accordingly,

IT IS HEREBY ORDERED that Defendant's motion *in limine* to preclude the admission of 404(b) evidence (Dkt. No. 41) is **DENIED** as moot.

Dated: October 30, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE